

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**ALLSTATE INSURANCE COMPANY,
ET. AL.,**

Plaintiffs

vs.

**MICHAEL KENT PLAMBECK, D.C.,
ET. AL.,**

Defendants

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Civil Action No. 3:08CV-0388-M

AGREED MOTION FOR TRANSFER OF CUSTODY OF EXHIBITS

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Come now the Plaintiffs and the Chiropractic Defendants,¹ (“the Movants”) and file this Agreed Motion for Transfer of Custody of Exhibits. In support of this motion, the Movants would show the Court the following:

¹ The Chiropractic Defendants are Michael Kent Plambeck, D.C.; Michael Capobianco, D.C.; Paul Grindstaff, D.C.; Douglas Friedman; Jennifer Giessner; Charles Mora; Chiropractic Strategies Group, Inc.; Media Placement Services, Inc.; Dove Point Chiropractic Clinic, Inc.; El Paso Chiropractic Clinic, LLC; WTC Chiropractic Clinic, LLC; Harlingen Chiropractic Clinic, Inc.; Wolfen Chiropractic Clinic, LLC; 11th Street Chiropractic Clinic, LLC; Mainland Chiropractic Clinic, LLC; Bergstrom Chiropractic Clinic, Inc.; Laredo Chiropractic Clinic, LLC; SA Chiropractic Clinic, LLC; N. Carrier Chiropractic Clinic, Inc.; Buckner 30 Chiropractic Clinic, Inc.; Hampton Chiropractic Clinic, Inc.; Haltom City Chiropractic Clinic, Inc.; Brownsville Chiropractic Clinic, Inc.; Congressional Chiropractic Health Center, Inc.; Arlington Chiropractic, Inc., d/b/a Akron Square Chiropractic, Inc.; East Broad Chiropractic, Inc.; Dayton Chiropractic, Inc.; Shaker Square Chiropractic, Inc.; Shoreway Chiropractic, LLC; Vernon Place Chiropractic Health Center, Inc.; West Broad Chiropractic, Inc.; West Tusc Chiropractic, LLC; Youngstown Chiropractic, Inc.; American Chiropractic, Inc.; Pearl Road Chiropractic, Inc.; Mobile Spine & Rehab Center on the Loop, Inc.; and Five Points Chiropractic, Inc.

I.

1. On April 18, 2013, following the trial of this case, the Court entered an *Order Directing Preservation of Exhibits Pending Appeal*. [Doc 670]. Therein, the Court directed Plaintiff's counsel to take custody of the original x-ray exhibits that were admitted in the trial of the case. Plaintiffs' counsel was to preserve and maintain these exhibits "pending any appeal of this case."

2. The Chiropractic Defendants subsequently perfected an appeal to the United States Fifth Circuit Court of Appeals. On September 17, 2015 the Court of Appeals issued its opinion, affirming this Court's judgment.

3. Thereafter, on January 22, 2016, the Chiropractic Defendants filed their *Petition for a Writ of Certiorari* with the Supreme Court of the United States. On May 2, 2016, the Supreme Court denied certiorari. [Doc. 722, letter from the Clerk of the Court].

II.

4. The Movants hereby advise the Court that the appeal of this case is now concluded.

5. Given that the appeal of this case is concluded, the Movants request the Court to enter an order releasing Plaintiffs' counsel from further obligation to maintain the original x-ray exhibits and authorizing Plaintiffs' counsel to return the exhibits to Defendant Chiropractic Strategies Group, Inc.

PRAYER

6. For the reasons set forth above, the Movants request that the Court enter an Order for the release and return of the exhibits.

WHEREFORE, PREMISES CONSIDERED, the Movants request that the Court grant this motion.

Respectfully submitted;

/s/ David Kassabian
DAVID KASSABIAN
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ATTORNEYS FOR
CHIROPRACTIC DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served on all parties of record in accordance with the Federal Rules of Civil Procedure on this the 7th day of June, 2016.

/s/David Kassabian
DAVID KASSABIAN